84-1969

NO.

Office-Supreme Court, U.S.
FILED
JUN 19 1985
ALEXANDER L. STEVAS,
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1984

In re: ARTHUR F. KINNANE, JR.
POLITICAL PRISONER #082-70-014
DORM 4
P.O. BOX 1000
MONTGOMERY, PA 17752

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DEMAND FOR HABEAS CORPUS

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ARTHUR F. KINNANE, JR.
082-70-014
DORM 4
P.O. BOX 1000
MONTGOMERY, PA 17752

JUNE 4, 1985

BEST AVAILABLE COPY

ARTHUR F. KINNANE, JR., Demandant,

v.

WARDEN DOUGLAS LANSING, and
ATTORNEY GENERAL OF THE UNITED
STATES OF AMERICA, Respondents

==========

DEMAND

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The demandant hereby demands that a writ of habeas corpus issue from this Court forthwith, for the following reasons:

(1) The demandant was "convicted" in the United States District Court for the District of Connecticut, in "CRIMINAL" Docket No. N-84-43 on March 7, 1985.

(2) The Judgment and Probation/Commitment Order was entered on March 13, 1985 by U.S.D.J. ELLEN BREE BURNS.

(3) Said "order" reads as follows:

"Finding & Judgment: There being a verdict of ¶ X ¶ Guilty. Defendant has been convicted as charged of the offense(s) of violation of Title 26, United States Code, Section 7203 (failure to file income tax returns) as charged in Counts One, Two and Three of the Indictment."
"Sentence Or Probation Order: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of one (1)year on Count One. The defendant is required to pay a fine of TWO THOUSAND DOLLARS ($2,000.0) on Count One. This is a committed fine. Defendant is committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of one (1) year on Counts Two and Three; execution of sentence of imprisonment is suspended forthwith & defendant is placed on probation for a period of five (5) years. The defendant is required to pay a fine of ONE THOUSAND DOLLARS ($1,000) fine on Count 2 and a fine of ONE THOUSAND DOLLARS ($1,000.00)on Count 3. The fine shall be paid during probation..."

(4) The jurisdiction of the district court was challenged, and not settled at the time of the "trial", nor could it be settled favorable to the government because no law of the United States of America was violated or alleged to have been violated by government.

(5) Immediately upon pronouncement of

sentence on March 7, 1985, and without bail hearing, the demandant was taken into custody in the courtroom and incarcerated at FCI, Danbury, where he was kept in isolation.

(6) A Notice of Appeal to the Second Circuit court of appeals was filed on March 11, 1985, but the demandant was prevented from perfecting that appeal because:

A. He was kept in isolation at FCI, Danbury.

B. He was subsequently transferred out of State to the Allenwood Camp where he is at present.

C. Being held incommunicato at FCI Danbury; then being transferred out of State which prevented access to the papers for appeal; the demandant was prevented from appealing to the Second Circuit court of appeals, a denial of due process.

(7) In simple language, the demandant

was denied his due process right of appeal through the conspiracy between U.S.D.J. ELLEN BREE BURNS and U.S. Attorney ALAN H. NEVAS.

(8) Aside from the notice of appeal which was frustrated by "government", there were no other petitions, or hearings, etc. in this case.

(9) A notice of appeal to this Court was filed on June 11, 1985.

REASONS WHY RELIEF IS NOT AVAILABLE FROM THE DISTRICT COURTS

The district court (Conn.) lacked jurisdiction over the person or the subject matter of the "case", so it cannot grant relief, for want of jurisdiction.

The district court (Conn.) is biased against the demandant, as evidenced by its conduct throughout all proceedings therein.

The district court (Conn.) is biased

against the demandant, as evidenced by its failure to hold a bail hearing after sentencing.

The district court (Conn.) conspired with the Department of Justice to prevent appeal, by arranging for the immediate incarceration and solitary confinement of the demandant on appealable misdemeanors.

The demandant was unlawfully detained by said district court (Conn.).

The demandant has been removed from the State wherein the alleged "misdemeanors" occurred.

The district court (Pa.) does not have jurisdiction over the person or the subject matter either, so it cannot grant relief.

The demandant cannot "petition" <u>either</u> district court without granting jurisdiction, which grant of jurisdiction would defeat appeal to this Court.

The federal courts and parts of the

Executive department continue to "enforce" Title 26, U.S. Code AS IF IT WERE LAW, WHICH IT IS NOT. They are out of touch with reality. President Reagan has proclaimed the "income tax laws" to be Un-American, and that tax resistence is American. The President is attempting to have the "laws" revised. Why isn't he also in jail?

There is no lawful reason for detaining and incarcerating the demandant. There is a time factor involved, which this Court has established by Rule 12 for docketing appeals. The demandant, having filed a Notice of Appeal to the Court on June 11, 1985, requires immediate release so that he can perfect his appeal, as of right.

REASONS WHY THIS COURT MUST, BY LAW, RELEASE THE DEMANDANT

The demandant has been "sentenced" for violations of Title 26, U.S.Code, which has

never been enacted into law.

The Title 26, U.S.Code and the Internal Revenue Code of 1954 are IDENTICAL, according to Title 1, U.S.C. §204.

According to the preface pages of the various editions of the United States Code, the reasons that Title 26, U.S.C. has not been enacted into law is that it is "inconsistent, redundant, archaic and obsolete". That being a fact, as well as the fact that the I.R. Code is Identical to Title 26, U.S.C., it is proven factual evidence that the I.R. Code of 1954, as amended, is "inconsistent, redundant, archaic and obsolete". Otherwise, they would not be IDENTICAL.

At no time has Title 26 of the United States Code been enacted into law.

As of early 1955, when the I.R. Code of 1954 was incorporated into Non-Law Title 26, U.S.C., said I.R. Code became unen-

forceable because it became "inconsistent, redundant, archaic and obsolete" by proclamation of the Congress.

Title 18, U.S.C. §4001 prevents the incarceration or detaining of citizens except pursuant to an Act of Congress.

Title 26, U.S.C. is not an Act of Congress, per se.

This Court must immediately release the demandant, by LAW, namely, the Constitution of the United States of America, and habeas corpus is the Constitutionally mandated method.

Accordingly, since the demandant is unlawfully in the custody of the United States of America, it is the duty and responsibility of this Court to both the demandant and to the integrity of due process of law, to immediately grant habeas corpus in order to effect the release of the demandant from unlawful incarceration.

Anything less will be a wilful denial of due process to the demandant, as well as a denial of the unalienable and Constitutionally protected and guaranteed rights to the demandant.

Dated: June 6, 1985

Arthur F. Kinnane Jr.

ARTHUR F. KINNANE. JR.
POLITICAL PRISONER # 082-70-14
DORM 4
P.O. BOX 1000
MONTGOMERY, PA 17752

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the attached Demand For Habeas Corpus has been sent to:

Warden Douglas Lansing
P.O. Box 1000
Montgomery, PA 17752

Attorney General of the United States
Department of Justice
Washington, D.C. 20530

by regular mail, with postage prepaid, on the date of docketing this demand.

Arthur F. Kinnane Jr.
ARTHUR F. KINNANE, JR.

APPENDIX

United States of America
UNITED STATES DISTRICT COURT
for DISTRICT OF CONNECTICUT
DEFENDANT ARTHUR F. KINNANE, JR.
DOCKET NO. Criminal N-84-43(EBB)

AMENDED
JUDGMENT AND PROBATION/COMMITMENT ORDER
AO 245(9/21)

In the presence of the attorney for the government the defendant appeared in person on this date -----March 7, 1985

[Counsel and Plea portions not filled out]

"Finding & Judgment: There being a verdict of ¶ X ¶ Guilty.
Defendant has been convicted as charged of the offense(s) of violation of Title 26, United States Code, Section 7203 (failure to file income tax returns) as charged in Counts One, Two and Three of the Indictment."

"Sentence Or Probation Order:
The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of one (1)year on Count One. The defendant is required to pay a fine of TWO THOUSAND DOLLARS ($2,000.0) on Count One. This is a committed fine. Defendant is committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of one (1) year on Counts Two and Three; execution of

sentence of imprisonment is suspended forthwith & defendant is placed on probation for a period of five (5) years. The defendant is required to pay a fine of ONE THOUSAND DOLLARS ($1,000) on Count Two and a fine of ONE THOUSAND DOLLARS ($1,000.00) on Count Three. The fines shall be paid during probation. The sentences on Counts One, Two and Three are to run consecutive.
It is Ordered and Adjudged that as a special condition of probation defendant shall lawfully file all returns for the years 1980, 1981, and 1982.- During probation defendant shall file lawful tax returns with a copy sent to the U.S. Probation Office.
It is further Ordered and Adjudged that as a condition of probation the defendant shall have no association with any persons convicted of a criminal offense including Title 26 violations. Burns, J."

Additional Conditions of Probation: (as per printed form only)

Commitment Recommendation: (as per printed form only)

Signed By
¶_X_¶ U.S. District Judge
¶___¶ U.S. Magistrate

/s/
ELLEN BREE BURNS
Date 3/20/85

Stamped: MICROFILM
MAR 21 1985
NEW HAVEN